

AISHA K. BROSNAN (AB 5986)  
BRODY, O'CONNOR & O'CONNOR, ESQS.  
Attorneys for Defendant  
7 Bayview Avenue  
Northport, New York 11768  
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WM 20-302 AB  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ESKHENY ESQUEA,

Plaintiff,

-against-

WAL-MART STORES EAST, LP.

Defendants.  
-----X

**Docket No.:**

**NOTICE OF REMOVAL**

**TO THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK:**

Defendant, WAL-MART STORES EAST, LP for the removal of this action from the Supreme Court of the State of New York, County of QUEENS, to the United States District Court for the EASTERN District of New York, respectfully shows this Honorable Court:

FIRST: Defendant, WAL-MART STORES EAST, LP is a defendant in a Civil action brought against it in the Supreme Court of the State of New York, County of QUEENS, entitled:

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

-----X  
ESKHENY ESQUEA,

**Index No.: 708394/2020**

Plaintiffs,

-against-

WAL-MART STORES EAST, LP.

Defendants.  
-----X

Copies of the Summons, the Complaint, and WAL-MART STORES EAST, LP's Answer are annexed hereto as Exhibit A.

SECOND: That this action seeks recovery for damages sustained as a result of personal injuries allegedly suffered by the plaintiff while on the defendant's premises.

THIRD: The grounds for removal are that this Court has original jurisdiction pursuant to 28 § 1332(a)(1). The amount in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs, and is between citizens of different States. Annexed hereto as Exhibit "B" is defendant's Combined Demands of Defendant with CPLR 3017(c) demand. Annexed hereto as Exhibit "C" is plaintiff's Response to Demand for CPLR 3017(c), received by this defendant on October 20, 2020.

FOURTH: The defendant, WAL-MART STORES EAST, LP, is a Delaware limited partnership with its corporate headquarters and principal place of business in Arkansas. WSE Investment, LLC, is the limited partner of WAL-MART STORES EAST, LP, and WSE Management, LLC is the General Partner. Both are Delaware companies with their principal places of business in Arkansas. The sole member of both limited liability companies is Wal-Mart Stores East, Inc. Wal-Mart Stores East, Inc. is a citizen of Arkansas. It is incorporated in Arkansas and

its principal place of business is in Arkansas. Thus, for diversity purposes, the defendant is a citizen of Arkansas. See Carden v. Arkoma Assocs., 494 U.S. 185, 195-96, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990) (stating that, for purposes of diversity jurisdiction, limited partnerships have the citizenship of each of its general and limited partners); Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir.1998) (stating that, for purposes of diversity jurisdiction, a limited liability company has the citizenship of its members).

FIFTH: That upon information and belief Plaintiff is a citizen of the State of New York, County of QUEENS.

SIXTH: In that this action is between citizens of different states and seeks damages in excess of \$75,000.00, than pursuant to 28 U.S.C.A. § 1332 and 28 U.S.C.A. § 1441 and § 1446 the case should be removed from the Supreme Court of the State of New York, County of QUEENS to the United States District Court for the EASTERN District of New York.

Dated: Northport, New York  
November 9, 2020

Yours, etc.

BRODY, O'CONNOR & O'CONNOR, ESQS.  
Attorneys for Defendant

By: /s/Aisha K. Brosnan  
AISHA K. BROSNAN (AB 5986)  
7 Bayview Avenue  
Northport, New York 11768  
(631) 261-7778  
File No.: WM 20-302 AB

TO: HARMON, LINDER & ROGOWSKY  
Attorneys for Plaintiff  
3 Park Avenue, Suite 2300  
New York, New York 10016  
(212) 732-3665

**AFFIDAVIT OF MAILING**

STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF SUFFOLK    )

DANIELLE INFANGER, being duly sworn, deposes and says:

That your deponent is not a party to this action, is over 18 years of age and resides at Huntington, New York.

That on the 9<sup>th</sup> day of November, 2020, deponent served the within NOTICE OF REMOVAL

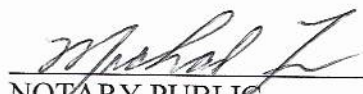
UPON:

HARMON, LINDER & ROGOWSKY  
Attorneys for Plaintiff  
3 Park Avenue, Suite 2300  
New York, New York 10016  
(212) 732-3665

The address designated by said attorney for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

  
DANIELLE INFANGER

Sworn to before me this  
9<sup>th</sup> day of November, 2020.

  
NOTARY PUBLIC  
MICHAEL FEINER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02FE5077902  
Qualified in Nassau County  
My Commission Expires 10-29-2023